

REMARKS

Claims 1-18 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,165,169 to Panescu et al. ("Panescu").

Claims 1-18 remain pending.

Rejection of claims 1-18 under 35 U.S.C. §102(b)

With respect to independent claims 1, 7, 11, 15, 17, and 18, the Office Action states that Panescu discloses all of Applicant's recited elements.

Panescu discloses systems and methods for identifying the physical, mechanical, and functional attributes of multiple electrode arrays. The systems and methods provide a structure adapted for contact with tissue in an interior body region. The structure possesses a physical property affecting tissue contact. The systems and methods include an identification code that uniquely identifies the physical property of the structure, such as size of the structure, or shape of the structure, or symmetry or lack of symmetry of the structure, or a stiffness value of the structure, or combinations thereof. The systems and methods also include an identification element attached in association with the structure to retain the identification code. The identification element is adapted to provide an output representative of the identification code. The structure also carries at least one electrode. The electrode possesses a physical property. The identification code uniquely identifies both the physical property of the structure and the physical or functional property of the electrode. The identification element retains one or more of these physical or functional properties for output and consideration prior to use of the structure.

In contrast, Applicant's independent claim 1 recites a heating treatment device that

includes a heater for generating heat for treating living-body tissues, a driving circuit for driving the heater, and an initial characteristics judging device for judging the initial characteristics of the heater. The heating treatment device further includes a calibration device for calibrating the driving circuit on the basis of the judgment results of the initial characteristics judging device.

Panescu does not teach or suggest a calibration device for calibrating the driving circuit on the basis of the judgment results of the initial characteristics judging device. Further, the Examiner does not list this claimed element in his characterization of Panescu.

In view of the foregoing, it is respectfully submitted that Panescu does not teach or suggest the subject matter recited in claim 1. Therefore, independent claim 1 is patentably distinct over Panescu. Independent claims 7 and 11 recite similar features as independent claim 1, and therefore are patentably distinct over Panescu for at least the reasons discussed in connection with claim 1.

Independent claim 15 has been amended to include the limitation of a calibration device for calibrating the power supply device on the basis of the judgment results of the judging device.

As previously stated, Panescu does not teach or suggest this element. Therefore, independent claim 15 is patentably distinct over Panescu.

With respect to claim 17, the Examiner cites col. 26, lines 27-30, col. 26 lines 52-53, and col. 25, line 66 to col. 26, line 1 as teaching a temperature sensing device. Applicant respectfully submits that the Examiner's conclusion is incorrect.

Specifically, the passages cited at col. 26, lines 27-30 recite that the coded component is electrically coupled to an external interpreter when the probe is plugged into a control unit for use. The unit can incorporate a signal processor for processing electrical impulses sensed by the electrodes on the structure. The unit can also incorporate, alone or in combination with the

signal processor a generator for supplying ablation energy to the electrodes. Although supplying ablation energy to the electrodes implies heating, it does not implicitly, or explicitly, teach or suggest, an environmental temperature sensing device for measuring the ambient temperature of the heating treatment device.

The passage cited at col. 26, lines 52-53 recites extrapolating sensed electrical activity to locate potential ablation sites. This passage does not teach or suggest, implicitly or explicitly, an environmental temperature sensing device for measuring the ambient temperature of the heating treatment device.

The passages cited at col. 25, line 66 to col. 26, line 1 recite that the functional property of the electrodes can include the functionality of the electrodes in terms of a diagnostic capability, such as mapping, or derivation of an electrical characteristic, or pacing, or a therapeutic capability, such as transmission of electrical energy to form a tissue lesion. Although the transmission of electrical energy implies heating, it does not implicitly, or explicitly, teach or suggest, an environmental temperature sensing device for measuring the ambient temperature of the heating treatment device.

In view of the foregoing, it is respectfully submitted that Panescu does not teach or suggest the subject matter recited in claim 17. Therefore, independent claim 17 is patentably distinct over Panescu

Independent claim 18 has been amended to include the limitation of a calibration step for calibrating the heater on the basis of judgment results from the judging step.

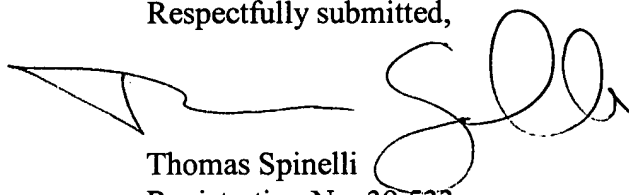
As previously stated, Panescu does not teach or suggest this element. Therefore, independent claim 18 is patentably distinct over Panescu.

Claims 2-6, 8-10, 12-14, and 16, which depend directly or indirectly from the independent claims 1, 7, 11, 15, 17, and 18, incorporate all the limitations of the corresponding independent claim and are therefore patentably distinct over Panescu for at least those reasons provided for claims 1, 7, 11, 15, 17, and 18.

Conclusion

In view of the foregoing, applicants respectfully requests reconsideration, withdrawal of all rejections, and allowance of all pending claims in due course.

Respectfully submitted,



Thomas Spinelli
Registration No. 39,533

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

TS:BMM:ej